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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,811	01/16/2001	Richard Leman	2497/101	4275
2101	7590	05/16/2005	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			JENKINS, JERMAINE L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/700,811	Applicant(s) LEMAN, RICHARD	
	Examiner Jermaine Jenkins	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 9/1/2004, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-14, 16 & 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lill (6,362,731).

In regards to claim 11, Lill teaches a tire pressure monitoring system having a plurality of remote tire pressure sensors (22) connected to respective tires wherein each pressure sensor (22) is adapted to wirelessly transmit a signal with information about the condition of its respective tire (Abstract; Column 3, lines 49-58), a transponder unit (16) comprising a receiver (25, receiver being interpreted as an antenna) for wirelessly receiving the signals from the individual pressure sensors (22) (Column 4, lines 7-37; See Figure 1), a signal processor (28, being interpreted as a microprocessor) for processing the signals received by the receiver (25) (Column 4, lines 21-37), and generating a coded signal for wireless transmission which identifies the transponder unit (16) and individual pressure sensor (22) locations (Column 4, lines 38-47), and a transmitter (30) for wirelessly transmitting the coded signal to a remote receiver (19, being interpreted as an antenna) where information can be displayed (40) to a driver about the tires associated with the transponder unit (16) (Column 4, lines 49-62: See Figure 1).

With respect to claim 12, Lill teaches a memory (ROM) to store a unique identification code to identify the transponder unit (16) (Column 4, lines 44-47).

With respect to claims 13, 14, 16 & 19, Lill teaches a cab unit comprising a receiver (25) for wirelessly receiving the coded signal from the transponder unit (16), a signal processor (28) for detecting and decoding the coded signal, and display (40) for providing the driver with information about the condition of the tires associated with the transponder unit (16) (Column 3, lines 49-58). (The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art; however, the prior art structure is capable of performing the intended use and meets the claim as recited.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lill (6,362,731) in view of McClelland (WO 96/15919).

With respect to claim 15, Lill teaches the claimed invention except for a timing circuit connected to the signal processor which is configured to automatically switch the tire pressure sensor on periodically for a predetermined interval to measure the tire pressure and switch off the tire pressure sensor at all other times. McClelland teaches the claimed apparatus comprising a pressure transducer (120) for sensing pressure of a tire and providing a tire pressure signal (Page 6, lines 3-10), a transmitter (170), a signal processor (100) connected to the pressure transducer (120) for providing a signal dependent on the tire pressure signal to the transmitter (170) (Page 7, lines 27-30), and a timing circuit (clock counter) connected to the signal processor (100) which is configured to automatically switch the tire pressure sensor (120) on periodically for a predetermined interval to measure the tire pressure and switch off the tire pressure sensor at all other times (Page 3, lines 7-23) which the timing circuit comprises a timer (clock counter) and four switches (130-160), the timer being configured to periodically actuate the switches and thereby connect the pressure sensor (120) to the battery to turn the tire pressure sensor (120) on for said predetermined interval (Page 7, lines 21-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a switching

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mechanism as taught by McClelland in the system of Lill for the purpose of conserving power consumption.

With respect to claim 17, Lill teaches the transponder unit (16) is responsive to transmit an identification signal to the remote receiver when power is first supplied to the transponder unit (16) (Column 4, lines 35-37).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lill (6,362,731) and McClelland (WO 96/15919) as applied to claims 11-17 above, and further in view of Rosenfeld (5,513,524).

In combination, Lill and McClelland teach the claimed invention except for the power being supplied to the transponder unit by activation of the vehicle brake light line. Rosenfeld teaches power is applied to a unit (14) when the vehicle brakes are applied (Column 4, lines 34-40). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to readily recognize the advantage and desirability to provide a connection between an electronic element and vehicle brake line for the purpose of supplying power without having to use a separate power source.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 571-272-2179. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermaine Jenkins
A.U. 2855



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